

### REMARKS

Claims 13-14, 16, 18-19, 21-22, 24-27, 29, 31-32, 34-35 and 37-38, as amended, remain in this application for the Examiner's review and consideration. Claims 13 and 26, the only independent claims, have been amended to recite that a game server is used to establish a network based game environment, to maintain the game state profiles to identify the plurality of participant groups and to send instructions to a separate conference server to establish the audio conferences, that the game state profiles include game specific context, that the shared game context includes parameters and attributes that permit audio communication, that the conference server establishes an audio path between an audio mixer and communication devices associated with game participants, that the audio paths are used for the audio conferences and that the game participant communication devices do not communicate directly with the conference server.

Claims 14 and 27 have been amended to recite that the game specific context includes a common communication medium, membership in a group, telepathic connections and shared language. Claims 16 and 29 have been amended to recite that at least one participant is contained in two groups simultaneously and participates in two audio conferences. Claims 22 and 35 have been amended to recite that the game server acts as a back-to-back user agent and maintains audio conferences on behalf of the game participants, instructing the game server to set up each media path. Claims 24 and 37 have been amended to include the canceled recitations from claims 13 and 26. Support for these amendments can be found in the specification and claims as originally filed and in particular in claims 13 and 26, and in the specification on page 6, lines 5-26, page 7, lines 12-16 and page 11, lines 1-4. As these amendments do not introduce any new matter into the present application, their entry at this time is warranted.

Claims 13, 14, 16-19, 21-27, 29-32 and 34-38 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,006,616 to Christofferson et al. ("Christofferson") for the reasons given in paragraph 2 of the Office Action. It was asserted that Christofferson discloses all of the recitations of the present invention as claimed. Applicants assert that the amendments overcome this rejection for the following reasons.

Christofferson is directed to a teleconferencing bridge with edgepoint mixing that provides a separate mixing function for each participant in a conference for a high degree of end-

user control in a conference. An audio mixer is provided for each participant, and based at least in part on the control streams, the audio bridge returns a separately mixed audio signal to each participant. The interface uses a packet-switched network such as an IP network. The visual interface includes a software program running on a PC such as an interactive gaming program. The participant's location with the virtual environment and the direction the participant is facing can be used in mixing the audio signal. Each participant is in direct communication with the audio-conference bridging system including the system control unit, which establishes the parameters of the conference and the audio bridging unit that includes the edgepoint mixers for providing the audio signals, *see* Figs. 2, 4 and 5. Although the audio-conference bridging system is discussed as being used in conjunction with an interactive gaming application (col. 20, line 56 – col. 21, line 3), there is no disclosure or discussion regarding the components of the interactive gaming system or how the audio-conference bridging system works in conjunction with the interactive gaming application.

By contrast, the present invention as recited in claims 13 and 26, the only independent claims, uses a game server and a separate conference server. The game server communicates with the game participants and establishes the network based game environment. In addition, the game server maintains the game state profiles, identifies the groups of participants and instructs the conference server to establish the audio conferences. There is no disclosure in Christofferson of a game server and a separate conference server. In the present invention, the communication devices associated with the participants do not communicate directly with the conference server. As is illustrated in Figs. 2, 4 and 5 of Christofferson, participants or participant stations communicate directly with the conference servers, i.e., the audio-conference bridging system and the system control unit. In the present invention the conference server, in accordance with the game server instructions, creates an audio path between an audio mixer and the game participant communication devices. These are the audio paths that are used for the audio communications among participants. Therefore, the present invention is directed to a system that uses a game server that is separate from the conference server to control the audio conferences based upon the game state profiles of the game participants. Christofferson does not disclose a game server. Moreover, in Christofferson the audio conferences are initiated by the conference server in

conjunction with requests and actions communicated directly from the participants. In the present invention, the participants do not initiate or control the audio conferences. The game server initiates and controls the audio conferences as an integrated part of the gaming experience.

The dependent claims include additional recitations that further define the present invention over Christofferson. For example, claims 14 and 27 recite that the game specific context includes a common communication medium, membership in a group, telepathic connections and shared language. Christofferson does not discuss these types of game specific context that are used by a game server to identify and establish groups of participants for inclusion in a plurality of concurrent audio conferences. The audio conferences in Christofferson are created by the participants based on requests or actions of the participants to join a given conference. Therefore, the participants determine and create the audio conference groups directly.

Claims 16 and 29 recite that at least one participant is contained in two groups simultaneously and participates in two audio conferences. For example, a given participant can be in one audio conference with everyone in a given room, a second audio conference with only those room occupants that speak the given participant's language and a third audio conference that includes only the given participant's telepathic partner. Christofferson discloses the ability of participants to move into different audio conferences, for example, by moving an avatar to a "Hawaii" button. However, Christofferson does not disclose the simultaneous participation in multiple audio conferences as defined by the game context associated with the participants.

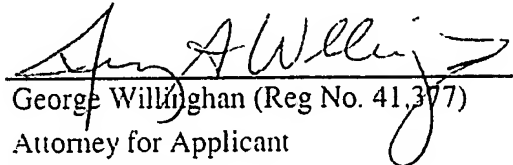
Claims 22 and 35 recite that the game server acts as a back-to-back user agent and maintains audio conferences on behalf of the game participants, instructing the game server to set up each media path. There is not such disclosure in Christofferson. Therefore, Christofferson fails to disclose or teach all of the recitations of the present invention as currently claimed, and Applicants respectfully request that the present rejection be reconsidered and withdrawn.

Applicants assert that all claims are now in condition for allowance, early notification of which is respectfully requested. A petition for a one month extension of time for the submission of this amendment along with provisions for the payment of the prescribed fee is enclosed herewith. As the present amendments do not introduce any new claims above the original number of filed claims, no additional fees are believed due for the submission of this amendment.

Respectfully submitted,

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